

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 97-393

September 3, 1999

NORTHERN UTILITIES, INC.,
Request for Approval of Rate
Design and Partial Unbundling
Proposal

PART ONE ORDER
APPROVING STIPULATION

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

We approve the Stipulation executed by Northern Utilities, Inc. (Northern) and the Office of the Public Advocate (OPA) to implement rate design changes and daily-metered transportation service for all commercial and industrial customers for effect November 1, 1999. We will issue a further order in this docket to address the issues raised by Robert C. Hains.

II. PROCEDURAL HISTORY

On May 5, 1999, Northern and OPA entered into a stipulation which was proposed to resolve the rate design and unbundling issues raised in this proceeding. Specifically, the stipulation established redesigned rates and rate classes to be implemented on November 1, 1999, as well as terms and conditions of transportation service for all commercial and industrial customer classes.

On May 11, 1999, the Commission held a hearing to consider the stipulation. At the hearing, intervenor and customer Robert C. Hains raised several issues regarding Northern's tariff language but on provisions largely unrelated to the rates and service terms agreed to by the stipulating parties. In fact, Mr. Hains indicated no objection to the stipulation. [get cite or quote] All other intervenors indicated either no objection or took no position on the proposed Stipulation.

Mr. Hains submitted written comments on May 18, 1999 to outline his specific concerns. Northern filed its reply comments on May 27, 1999. None of the issues raised by Mr. Hains related to the matters covered by the stipulation.

The Commission considered the proposed stipulation at its deliberative session on May 27, 1999.

III. DISCUSSION

There was no opposition to our approval of the stipulation in this matter. Several unrelated matters largely involving Northern's existing tariffs were raised by Mr. Hains at the time of the hearing for presentation of the stipulation.

The Stipulation resolves issues related to the comprehensive redesign of Northern's rates and classes and establishes the terms and conditions on which the utility will offer expanded transportation-only service. We find that approval of the Stipulation is in the public interest, for reasons we will set forth in the Part II order discussed below, and we approve it here.

Chapter 110, section 1003 of our Rules of Practice and Procedure allows us to issue our final written order in two or more parts if warranted. The Company is entitled to written order establishing with legal certainty that the rates and service terms are approved. We hope to provide this assurance within sufficient time to allow the Company to prepare its internal systems for the November 1, 1999 rate change.

Because time for implementation of the redesigned rates and rate classes is drawing near, we find that circumstances exist to warrant the issuance of our order in two parts. Our first part order establishes our approval of the Stipulation and the rates and services terms and conditions specified therein. The second part order will address the multiple issues raised by Mr. Hains but which do not bear upon the rate design and transportation service tariffs that we herein approve.

Accordingly, we

O R D E R

1. That the Stipulation executed by Northern and OPA on May 5, 1999 and filed in this proceeding is in the public interest and is approved;
2. That in approving the Stipulation, we thereby adopt the revised rates and terms and conditions of transportation service specified therein for effect November 1, 1999, subject only to Northern completing any final compliance filing requirements; and

3. That we will issue a further "Part Two" order in this matter stating our reasons for approving the stipulation and addressing the issues raised by Intervenor Hains in his May 18, 1999 filing.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.